

**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

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T. C. CHOU and JEW BEN ON,  
Appellants,  
vs.

EDWARD WHITE, as Commissioner of Immigration,  
at the Port of San Francisco,  
Appellee.

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**Transcript of Record.**

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Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
First Division.

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**FILED**  
**AUG 30 1921**  
**F. D. MONCKTON,**  
**CLERK.**



# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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## **Names and Addresses of Attorneys of Record.**

For Petitioner and Appellant:

DION R. HOLM, Esq., San Francisco, California.

BERT SCHLESINGER, Esq., San Francisco, California.

SAMUEL C. WRIGHT, Esq., San Francisco, California.

For Respondent and Appellee:

UNITED STATES ATTORNEY, San Francisco, California.

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU  
for a Writ of Habeas Corpus for and on Behalf of JEW BEN ON.

## **Praeceptum for Transcript of Record.**

To the Clerk of the Above-entitled Court:

Sir: Please issue certified copies of the following proceedings, etc:

1. Petition for writ of habeas corpus.
2. Order to show cause therein.
3. Demurrer.
4. Order sustaining demurrer, denying petition and discharging order to show cause.
5. Notice of appeal.

6. Petition for appeal.
7. Order allowing appeal.
8. Assignment of errors.
9. Stipulation and order as to exhibits.
10. Praecipe for appeal and all minute orders of Court, except those of postponement.
11. Citation on appeal, original and copy.

DION R. HOLM,  
BERT SCHLESINGER,  
SAMUEL C. WRIGHT,

Attorneys for Petitioner and Detained, the Appellants. [1\*]

[Endorsed]: Receipt of a copy of the within praecipe is hereby admitted this 7th day of July, 1921.

FRANK M. SILVA,  
U. S. Attorney.

Filed Jul. 7, 1921. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [2]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

(No. 17,154.)

In the Matter of the Application of T. C. CHOU  
for a Writ of Habeas Corpus for and on Behalf of JEW BEN ON.

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\*Page-number appearing at foot of page of original certified Transcript of Record.

**Petition for Writ of Habeas Corpus.**

The petition of T. C. Chou respectfully shows:

I.

That your petitioner is a person residing at Berkeley, State of California, and is a friend of Jew Ben On, and a friend of Jew Ngow, father of the said Jew Ben On, and petitions this court for a writ of habeas corpus for and on behalf of Jew Ben On, who is unable to apply by reason of his unlawful detention, imprisonment and restraint at Angel Island, California. Jew Ngow is without the jurisdiction of this court.

II.

That the said Jew Ben On is unlawfully imprisoned, detained, confined and restrained of his liberty by Edward White, Commissioner of Immigration, who is a person who has the care, custody and control of the body of said Jew Ben On at the Immigration Station of the United States at Angel Island, California, in this Northern District of California, and is to be deported therefrom to China.

III.

That Jew Ben On was born in the Ung Sing Village, Hoy Ping District, China. That the said Jew Ben On made application for admission to the United States before the Commissioner of Immigration at Angel Island, California, having arrived at this [3] port November 26, 1920, ex S. S. "Tjikembang"; that Jew Ben On sought admission on the theory that he was the minor son of a lawfully domiciled merchant, to wit, Jew Ngow; that certain

proceedings were had before the Commissioner of Immigration at Angel Island on the 24th day of January, 1921, and that certain proceedings were had before the United States Immigration Commissioner, George W. Moore at Fresno, California, on or about December 18, 1920; that thereafter and on the 24th day of January, 1921, a Board of Special Inquiry, Angel Island, denied Jew Ben On the right to enter the United States, and Edward White, as Commissioner of Immigration, made a finding to the effect that Jew Ben On had not established his status sufficiently to enable him to enter the United States and would be granted a period of ten (10) days within which to produce any and all evidence he might have to establish his right to enter. This ten (10) days was waived by the said Jew Ben On and on January 29, 1921, the matter again came before the Board of Special Inquiry, Angel Island, California, and the said Jew Ben On's application was again denied by the said Board of Special Inquiry. Edward White thereupon entered his decision in writing, stating substantially that Jew Ben On had been denied entrance to the United States because the mercantile status of Jew Ngow had not been established to the satisfaction of the Board of Special Inquiry; that the Board of Special Inquiry and the Commissioner of Immigration admit Jew Ben On to be the true and lawful minor son of Jew Ngow. That on January 31, 1921, Edward White, as Commissioner of Immigration, formally denied Jew Ben On the right of entry of the United States and on February 3, 1921, an appeal was taken to the Sec-



retary of Labor at Washington, D. C., from this decision; on March 18, 1921, the Secretary of Labor affirmed the decision of Edward White as Commissioner of Immigration and ordered the appeal of [4] Jew Ben On dismissed and *and* ordered him deported to China.

#### IV.

The illegality of said imprisonment, detention, confinement and restraint of liberty of Jew Ben On consists of the following: That Inspector Moore, at Exeter, California, made false statements and resorted to subterfuge to obtain testimony to support the Commissioner of Immigration's contention finding that Jew Ngow was not in fact a merchant; that the two white witnesses from whom testimony was thus obtained are Angles H. Merryman and Blanche Baker; that on page 40 of the record as numbered before the Commissioner of Immigration at Angel Island the following appears in the report of Inspector Moore:

"Mrs. Merryman at first declined to admit the writer to her home or to discuss in any manner the personnel of her household servants without first consulting her husband. She was advised that a Chinese who is employed by her as a cook was endeavoring to have a son admitted to San Francisco and inasmuch as the applicant must pass inspection under the immigration laws as well as the Chinese Exclusion Act it would be well for the alleged father to show that he had steady employment and was in a position to support his son until such a time as he could find

self-supporting employment, if permitted to enter the country."

That the hearing accorded Jew Ben On at Angel Island was unfair by reason of the Board of Special Inquiry taking into consideration the fact that Jew Ngow had been arrested while the application of his son was pending, and that the said Jew Ngow was charged with conspiracy to violate Section 11 of the Chinese Exclusion Act, and that the Board of Special Inquiry's decision was based upon the fact of a warrant being issued for Jew Ngow's arrest rather than the facts adduced at the various hearings; that full force and effect was not given by the Commissioner of Immigration or the Secretary of Labor to the treaties existing between the United States and China governing the immigration of Chinese, in this: that Jew Ngow was a lawfully domiciled resident of the United States and was a [5] resident herein in the year 1880, prior to the ratification of the treaty with China on July 19, 1881, and the passage of the first Chinese Exclusion Law, May 6, 1882; that Article 2 of said treaty provided that Chinese laborers who were then in the United States shall be allowed to come and go of their own free will and accord and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to citizens and subjects of the most favored nation; that Jew Ngow called to the attention of Edward White the Commissioner of Immigration prior to the case being forwarded to Washington, that he was in fact a lawfully domiciled resident of the United States prior to the ratification of the treaty with

China on July 19, 1881, and prior to the passage of the first exclusion law May 6, 1882, and offered as proof of this fact a Certificate of Residence issued to persons of Chinese descent who were in the United States prior to the ratification of the treaty or the passage of the first exclusion act; that said original Certificate of Residence is with the files and records of this case and is presumed to be before the Secretary of Labor at Washington, D. C.

That your petitioner prays that when said files and records are returned from the Secretary of Labor he be given the privilege of attaching copies of said files and records to this petition, and that the original files and records of all proceedings had before the Commissioner of Immigration at Angel Island and the Secretary of Labor be considered part of this petition.

#### V.

That the Board of Special Inquiry, the Commissioner of Immigration, and the Secretary of Labor erred in finding that Jew Ngow was not in fact a merchant; that the evidence adduced before the Commissioner of Immigration shows Jew Ngow [6] to have been financially interested in *bona fide* mercantile establishments throughout the State of California from the year 1899 down to and including the present date; that as a matter of law the said Jew Ngow is in fact a merchant having and having had for more than one (1) year last past a substantial financial interest in that certain concern known as the Emory Chow Company of Selma, California, and that the said Jew Ngow did in fact perform the

duties of a merchant as the term "merchant" is meant under the Chinese Exclusion Law.

WHEREFORE YOUR PETITIONER PRAYS that a writ of habeas corpus be issued by this Honorable Court directing and commanding the said Edward White, Commissioner of Immigration at the port of San Francisco, to have and produce the body of the said Jew Ben On before this Honorable Court at the Postoffice Building in the city and county of San Francisco, State of California, at a day and time certain to be fixed by this Court, or to show cause, if any he has, why the writ should not be granted in order that the alleged cause of the imprisonment and detention of said Jew Ben On may be examined into, so that if it be determined that said detention and imprisonment is unlawful and illegal, that the applicant was not given a fair hearing, that the said Jew Ben On may be discharged from the custody, *dentioned* and imprisonment. That a copy of this petition be served together with the order as prayed for upon the Commissioner of Immigration, Angel Island, California.

T. C. CHOU,  
Petitioner.

DION R. HOLM,  
Attorney for Petitioner. [7]

State of California,  
City and County of San Francisco,—ss.

T. C. Chou, being first duly sworn, deposes and says: That he is the petitioner named in the foregoing petition; that he has read the same and knows the contents thereof; that the same is true of his own

knowledge except as to matters therein alleged upon information and belief, and as to those matters that he believes it to be true.

T. C. CHOU.

Subscribed and sworn to before me this 1st day of April, 1921.

[Notary Seal]                      JOHN WISNOM,  
Notary Public in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed Apr. 1, 1921. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [8]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

(No. 17,154.)

In the Matter of the Application of T. C. CHOU  
for a Writ of Habeas Corpus for and on Be-  
half of JEW BEN ON.

**Order to Show Cause.**

GOOD CAUSE APPEARING THEREFOR,  
and upon reading the verified petition on file herein—

IT IS HEREBY ORDERED that Edward White, Commissioner of Immigration for the Port of San Francisco, and District of California, appear before this Court on the 23d day of April, 1921, at the hour of ten (10) o'clock A. M. of said day, to show cause, if any he has, why a writ of habeas corpus should not be issued herein as prayed for and that a copy of this



order and a copy of said petition be served upon the said Commissioner; and

IT IS FURTHER ORDERED that the said Edward White, Commissioner of Immigration aforesaid, or whoever acting under the orders of said Commissioner and Secretary of Labor shall have the custody of Jew Ben On, are hereby ordered and directed to retain said Jew Ben On within the custody of the said Commissioner of Immigration and within the jurisdiction of this Court until further order herein.

Dated: April 1, 1921.

WM. W. MORROW,  
Judge of the United States Circuit Court of Appeals, Ninth Circuit.

[Endorsed]: Filed Apr. 1, 1921. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [9]

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In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 17,154.

In the Matter of JEW BEN ON, on Habeas Corpus.  
**Demurrer to Petition for Writ of Habeas Corpus.**

Comes now the respondent, Edward White, Commissioner of Immigration, at the port of San Francisco, in the Southern Division of the Northern District of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus or for any relief thereon.

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony on the trial of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

FRANK M. SILVA,

United States Attorney.

BEN F. GEIS,

Asst. United States Attorney,

Attorneys for Respondent. [10]

Service of a copy of the within demurrer received this 24th day of June, 1921.

DION R. HOLM,

Atty. for Pet.

[Endorsed]: Filed Jun. 25, 1921. W. B. Maling,  
Clerk. By Lyle S. Morris, Deputy Clerk. [11]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, on Saturday, the 25th day of June, in the year of our Lord one thousand nine hundred and twenty-one. Present: The Honorable MAURICE T. DOOLING, District Judge.

No. 17,154.

In the Matter of JEW BEN ON, on Habeas Corpus.

**Minutes of Court—June 25, 1921—Hearing on Order to Show Cause.**

This matter came on regularly this day for hearing of order to show cause as to the issuance of a writ of habeas corpus herein. Dion R. Holm and S. C. Wright, Esqrs., were present as Attorneys for and on behalf of petitioner and detained. P. A. Robbins, Esq., was present for and on behalf of respondent, and filed demurrer to petition, and, all parties consenting thereto, it is ordered that the Immigration Records be filed as Respondent's Exhibits "A," "B," "C" and "D," and that the same be considered as part of the original petition. After argument by the respective attorneys, the Court ordered that said matter be and the same is hereby submitted. [12]



In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 17,154.

In the Matter of JEW BEN ON, on Habeas Corpus.

**(Order Sustaining Demurrer.)**

DION R. HOLM, Esq., Attorney for Petitioner.

FRANK M. SILVA, Esq., United States Attorney,  
and

BEN F. GEIS, Esq., Assistant United States Attorney, Attorneys for Respondent.

**ON DEMURRER TO PETITION FOR A WRIT  
OF HABEAS CORPUS.**

The demurrer to the petition for a writ of habeas corpus herein is sustained and the petition denied.

June 27th, 1921.

M. T. DOOLING,  
Judge.

[Endorsed]: Filed Jun. 27, 1921. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [13]

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In the Southern Division of the United States District Court in and for the Northern District of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU for  
a Writ of Habeas Corpus for and on Behalf  
of JEW BEN ON.

**Notice of Appeal.**

To the Clerk of the Above-entitled Court, and to Honorable FRANK M. SILVA, United States Attorney for the Northern District of California.

You and each of you will please take notice that Jew Ben On, the detained herein, by T. C. Chou, the petitioner herein, hereby appeals to the Circuit Court of Appeals of the United States, for the Ninth Circuit, from the order made and entered herein on the 27th day of June, 1921, by the Honorable Maurice T. Dooling, Judge of the above-entitled court, sustaining the demurrer, discharging the order to show cause and denying the petition for a writ of habeas corpus.

Dated: San Francisco, California, July 7, 1921.

DION R. HOLM,  
BERT SCHLESINGER,  
SAMUEL C. WRIGHT,

Attorneys for Petitioner and Detained, the Appellants. [14]

[Endorsed]: Receipt of a copy of the within notice of appeal is hereby admitted this 7th day of July, 1921.

FRANK M. SILVA,  
U. S. Attorney.

Filed Jul. 7, 1921. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [15]

In the Southern Division of the United States District Court, in and for the Northern District of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU  
for a Writ of Habeas Corpus for and on  
Behalf of JEW BEN ON.

**Petition for Appeal.**

Comes now Jew Ben On, the detained, by T. C. Chou, the petitioner, who are the appellants herein, and says:

That on the 27th day of June, 1921, the above-entitled court made and entered its order denying the petition for a writ of habeas corpus as prayed for and filed herein, sustained a demurrer to the said petition and discharged an order to show cause why said petition should not be granted. In the said order of Court certain errors were made to the prejudice of the appellants herein, all of which will more fully appear from the assignment of errors filed herein.

WHEREFORE, these appellants pray that an appeal may be granted in their behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit for the correction of the errors complained of, and further, that the transcript of the record, proceedings and papers in the above-entitled case, as shown by the praecipe, may be sent and transmitted to the Circuit Court of Appeals of the United States for the Ninth Circuit, under the rules of said

court in accordance with the law in such case made and provided, that all further proceedings in this matter be stayed until the final determination of said appeal.

Dated: San Francisco, California, July 7, 1921.  
[16]

DION R. HOLM,  
BERT SCHLESINGER,  
SAMUEL C. WRIGHT,

Attorneys for Petitioner and Detained, the Appellants.

[Endorsed]: Receipt of a copy of the within petition for appeal is hereby admitted this 7th day of July 1921.

FRANK M. SILVA,  
U. S. Attorney.

Filed Jul. 7, 1921. W. B. Maling, Clerk. By  
C. W. Calbreath, Deputy Clerk. [17]

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In the Southern Division of the United States  
District Court, in and for the Northern Dis-  
trict of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU  
for a Writ of Habeas Corpus for and on  
Behalf of JEW BEN ON.

**Assignment of Errors.**

Now comes Jew Ben On, the detained herein, by  
T. C. Chou, the petitioner herein, both of whom are

appellants, through their attorneys, Dion R. Holm, Bert Slesinger and Samuel Wright, file the following assignment of errors upon which they will rely in the prosecution of their appeal in the above-entitled case in the United States Circuit Court of Appeals for the Ninth Circuit, from the order and judgment made by this Honorable Court on the 27th day of June, A. D. 1921.

I.

That the Court erred in denying the petition for a writ of habeas corpus.

II.

That the Court erred in sustaining the demurrer to the petition for a writ of habeas corpus.

III.

That the Court erred in discharging the order to show cause why a writ of habeas corpus should not issue.

IV.

That the Court erred in holding that the Commissioner of Immigration and the Secretary of Labor granted the applicant, Jew Ben On, a fair hearing and that he was not excluded from the United States without due process of law. [18]

V.

That the Court erred in holding that a person of Chinese descent who was in the United States in the year 1880 and prior to the taking effect of the Treaty of 1880 between the United States and China was not entitled to bring to this country members of his family.

## VI.

That the Court erred in construing Article II of the Treaty of 1880 between the United States and China and which was ratified on the 5th day of October, A. D. 1881.

## VII.

That the Court erred in construing Section 3 of the Act of May 6, 1882, as amended and added to by the Act of July 5, 1884, in failing to find that the father of Jew Ben On was a resident of the United States ninety days next after the passage of the act of May 6, 1882, and as such was entitled to have members of his family admitted to the United States.

WHEREFORE, because of the manifest errors committed by the said Court, the appellants through their attorneys pray that the said judgment sustaining the demurrer to the petition for a writ of habeas corpus, discharging the order to show cause, and denying the writ of habeas corpus be reversed, and for such other and further relief as the Court may deem meet and proper.

Dated: July 7th, 1921.

DION R. HOLM.

BERT SCHLESINGER.

SAMUEL C. WRIGHT. [19]

[Endorsed]: Receipt of a copy of the within assignment of errors is hereby admitted this 7th day of July, 1921.

FRANK M. SILVA,  
U. S. Attorney.



Filed Jul. 7, 1921. W. B. Maling, Clerk. By  
C. W. Calbreath, Deputy Clerk. [20]

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In the Southern Division of the United States District Court, in and for the Northern District of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU for  
a Writ of Habeas Corpus for and on Behalf  
of JEW BEN ON.

**Order Allowing Appeal.**

On motion of Dion R. Holm, one of the attorneys for T. C. Chou, petitioner in the above-entitled cause, and for Jew Ben On, the detained:

IT IS HEREBY ORDERED, that an appeal to the United States Circuit Court of Appeals for the Ninth Circuit from an order and judgment heretofore made and entered herein sustaining the demurrer to the petition for a writ of habeas corpus, discharging order to show cause and denying petition for a writ of habeas corpus be and the same is hereby allowed, and that a certified transcript of the record, testimony, exhibits, stipulations and all proceedings be forthwith transmitted to the United States Circuit Court of Appeals for the Ninth Circuit in the manner and time prescribed by law, and that meanwhile all further proceedings in this Court and by the immigration authorities be suspended and superseded until the determination of said appeal.

Dated: July 7, 1921.

WM. W. MORROW,  
Judge, United States Circuit Court of Appeals,  
Ninth Judicial Court. [21]

[Endorsed]: Receipt of a copy of the *within* is hereby admitted this 7th day of July, 1921.

FRANK M. SILVA,  
U. S. Atty.,  
Attorney for Appellee.

Filed Jul. 7, 1921. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [22]

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**(Citation on Appeal—Copy).**

UNITED STATES OF AMERICA,—ss.  
The President of the United States, to EDWARD WHITE, Commissioner of Immigration, Port of San Francisco, California, and to FRANK M. SILVA, Esq., U. S. District Attorney, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, Southern Division, First Division, wherein T. C. Chou and Jew Ben On are appellants and you are appellee, to show cause, if any there be, why the



decree rendered against the said appellants, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable FRANK H. RUDKIN, United States District Judge for the Northern District of California, Southern Division, this 6th day of August, A. D. 1921.

FRANK H. RUDKIN,  
United States District Judge.

[Endorsed]: Service of the within citation by copy admitted this 6th day of August, 1921.

FRANK M. SILVA,  
U. S. District Attorney.

Filed Aug. 6, 1921. W. B. Maling, Clerk. By  
C. W. Calbreath, Deputy Clerk. [23]

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In the Southern Division of the United States District Court, in and for the Northern District of California, First Division.

No. 17,154.

In the Matter of the Application of T. C. CHOU for  
a Writ of Habeas Corpus for and on Behalf  
of JEW BEN ON.

**Stipulation and Order Directing Transmission of  
Original Exhibits to Appellate Court.**

IT IS HEREBY STIPULATED AND  
AGREED by and between the respective parties  
in the above-entitled cause that the original records

of the Bureau of Immigration, which were filed in the above-entitled court as exhibits, may be transferred in their original form, and without being transcribed, to the United States Circuit Court of Appeals for the Ninth Circuit, and the same are and may there be considered part of the record in determining this case on appeal to the said United States Circuit Court of Appeals for the Ninth Circuit, without objection on the part of either of said respective parties.

Dated: July 7, 1921.

FRANK M. SILVA,  
United States District Attorney.

WILFORD H. TULLY,  
Asst. United States Dist. Atty.

DION R. HOLM,  
BERT SCHLESINGER,  
SAMUEL C. WRIGHT,

Attorneys for Petitioner and Detained, the Appellants. [24]

IT IS HEREBY ORDERED that the terms of the above stipulation be complied with.

WM. W. MORROW,  
Judge, United States Circuit Court of Appeals,  
Ninth Judicial Court.

[Endorsed]: Filed Jul. 7, 1921. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [25]

**Certificate of Clerk U. S. District Court to Transcript  
on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 25 pages, numbered from 1 to 25, inclusive, contain a full, true, and correct transcript of certain records and proceedings, in the matter of Jew Ben On, on Habeas Corpus, No. 17,154, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript on appeal (copy of which is embodied herein), and the instructions of the attorneys for petitioner and appellant herein.

I further certify that the cost for preparing and certifying the foregoing transcript on appeal is the sum of Eight Dollars and Five Cents (\$8.05), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the original citation on appeal issued herein (page 27).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 9th day of August, A. D. 1921.

[Seal]

WALTER B. MALING,

Clerk.

By C. M. Taylor,

Deputy Clerk.

[26]

**Citation on Appeal (Original).**

UNITED STATES OF AMERICA,—ss.

The President of the United States, to EDWARD WHITE, Commissioner of Immigration, Port of San Francisco, California, and to FRANK M. SILVA, Esq., U. S. District Attorney, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States Court for the Northern District of California, Southern Division, First Division, wherein T. C. Chou and Jew Ben On are appellants, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellants, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable FRANK H. RUDKIN, United States District Judge for the Northern District of California, Southern Division, this 6th day of August, A. D. 1921.

FRANK H. RUDKIN,  
United States District Judge.

[Endorsed]: No. 17,154. United States District Court for the Northern District of California,

Southern Division. T. C. Chou and Jew Ben On, Appellants, vs. Edward White, Commissioner of Immigration. Citation on Appeal. Filed Aug. 6, 1921. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

Service of the within citation by copy admitted this 6th day of August, 1921.

FRANK M. SILVA,  
U. S. District Attorney. [27]

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[Endorsed]: No. 3748. United States Circuit Court of Appeals for the Ninth Circuit. T. C. Chou and Jew Ben On, Appellants, vs. Edward White, as Commissioner of Immigration at the Port of San Francisco, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, First Division.

Filed August 9, 1921.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

